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IN RE APPLICATION OF:

SERIAL NO.: 09/758,934

GROUP ART UNIT NO. 2859

EXAMINER: YARITZA GUADALUPE

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

The applicant recognizes that a notification of non-compliant appeal brief was issued in the above-identified patent application. The applicant, however, has not submitted a new appeal brief. Shortly after receipt of the Notification of Non-Compliant Appeal Brief, the applicant and Examiner Alexander Smith of Group Art Unit No. 2859 were involved in extensive discussions concerning this application and two related applications by the same inventors.

There were numerous communications and numerous drafts of proposed changes to the claims which were discussed by Examiner Smith and by the applicant's undersigned attorney. As a result, the applicant did not submit a compliant appeal brief because it